

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

T-MOBILE USA, INC.,

Plaintiffs,

v.

HUAWEI DEVICE USA, INC., et al.,

Defendant.

CASE NO. C14-1351RAJ

MINUTE ORDER

The clerk issues the following minute order by the authority of the Honorable Richard A. Jones, United States District Court Judge.

Defendant Huawei Technologies Co. Ltd. has filed a motion to dismiss.¹ Dkt. # 50. No attorney has entered a notice of appearance on behalf of Huawei Technologies. *See* Local Rules W.D. Wash. LCR 83.2(a) (specifying methods by which an attorney eligible to appear may enter an appearance in a civil case). No attorney was eligible to file a motion to dismiss on behalf of Huawei Technologies.

The court will strike the motion to dismiss. Ordinarily, the court might permit Huawei Technologies to enter a belated notice of appearance without striking the motion it filed in violation of court rules, but other circumstances lead the court to a different conclusion. The motion to dismiss contains several grounds unique to Huawei Technologies. It invokes Rule 12(b)(2), contending that the court lacks personal

¹ Counsel used the court's electronic filing system to indicate incorrectly that both Defendants filed the motion to dismiss.

1 jurisdiction over Huawei Technologies. It attacks a claim for tortious interference that
2 applies only to Huawei Technologies. In many other respects, however, the motion is
3 duplicative of a motion to dismiss that the other Defendant, Huawei Device USA, Inc.,
4 filed months ago. It is not identical, to be sure, but many passages are wholly identical,
5 and those portions that are not identical seem to be (at best) attempts to state the same
6 arguments in a slightly different way. The same counsel represents both Defendants.

7 No one benefits from this approach. The court has no need for six briefs making
8 the same arguments, nor does it relish the prospect of rooting through six briefs to discern
9 which portions are actually different. The court has no idea why Huawei Technologies
10 did not simply indicate that it joins in the arguments its United States subsidiary made in
11 its motion to dismiss. That would have been cheaper for Huawei Technologies, simpler
12 for the court, and would not have put Plaintiff through the exercise of responding to the
13 same arguments twice.

14 The court orders as follows:

- 15 1) The court **TERMINATES** Huawei Technologies' motion to dismiss. Dkt.
16 # 50.
- 17 2) Huawei Technologies shall file nothing further until it enters a notice of
18 appearance.
- 19 3) If Huawei Technologies enters a notice of appearance and wishes to renew the
20 arguments it made in its motion to dismiss, it shall use one of the following
21 options:
 - 22 a. it shall file a new motion to dismiss that indicates its joinder with
23 arguments made in Huawei Device's motion to dismiss but does not
24 repeat those arguments; or

b. it shall file a motion for leave to file a duplicative motion to dismiss,
wherein it explains why the first of these two alternatives is not
adequate.

Dated this 21st day of April, 2015.

WILLIAM M. MCCOOL
Clerk

s/Rhonda Stiles
Deputy Clerk